

# State of Wisconsin



2009 Assembly Bill 496

Date of enactment: **May 5, 2010**  
Date of publication\*: **May 19, 2010**

## 2009 WISCONSIN ACT 220

AN ACT *to amend* 346.95 (2); and *to create* 38.04 (4) (e) 6., 115.28 (11) (f), 343.71 (5) (f) and 346.89 (3) of the statutes; **relating to:** prohibiting electronic text messaging and electronic mail messaging while driving and providing a penalty.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**SECTION 1d.** 38.04 (4) (e) 6. of the statutes is created to read:

38.04 (4) (e) 6. Acquaints each student with the hazards posed by composing or sending electronic text messages or electronic mail messages while driving and with the provisions of s. 346.89 (3).

**SECTION 1h.** 115.28 (11) (f) of the statutes is created to read:

115.28 (11) (f) Acquaint each student with the hazards posed by composing or sending electronic text messages or electronic mail messages while driving and with the provisions of s. 346.89 (3).

**SECTION 1p.** 343.71 (5) (f) of the statutes is created to read:

343.71 (5) (f) Acquaints each student with the hazards posed by composing or sending electronic text messages or electronic mail messages while driving and with the provisions of s. 346.89 (3).

**SECTION 1t.** 346.89 (3) of the statutes is created to read:

346.89 (3) (a) No person may drive, as defined in s. 343.305 (1) (b), any motor vehicle while composing or sending an electronic text message or an electronic mail message.

(b) This subsection does not apply to any of the following:

1. The operator of an authorized emergency vehicle.
2. The use of any device whose primary function is transmitting and receiving emergency alert messages and messages related to the operation of the vehicle or an accessory that is integrated into the electrical system of a vehicle, including a global positioning system device.
3. An amateur radio operator who holds a valid amateur radio operator's license issued by the federal communications commission when he or she is using dedicated amateur radio 2-way radio communication equipment and observing proper amateur radio operating procedures.
4. The use of a voice-operated or hands-free device if the driver of the motor vehicle does not use his or her hands to operate the device, except to activate or deactivate a feature or function of the device.

**SECTION 2m.** 346.95 (2) of the statutes is amended to read:

346.95 (2) Any person violating s. 346.89 (1) or (3) (a) or 346.94 (2), (4), or (7) may be required to forfeit not less than \$20 nor more than \$400.

### **SECTION 3. Effective date.**

(1) This act takes effect on the first day of the 7th month beginning after publication.

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\* Section 991.11, WISCONSIN STATUTES 2007-08 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].